Serial No. 09/954,443

If there are any issues which can be resolved by a telephone conference, the Office is invited to contact the undersigned attorney at (404) 853-8064.

Respectfully submitted,

By: Peter G. Pappas

Reg. No. 33,205

SUTHERLAND ASBILL & BRENNAN LLP

999 Peachtree Street, NE Atlanta, Georgia 30309-3996 Telephone: (404) 853-8000 Facsimile: (404) 853-8806

Attorney Docket No.: 17244-0129

Serial No. 09/954,443

APPENDIX 3 - RELATED PROCEEDINGS APPENDIX

None.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

| In re Application of: | RECEIVED |) |
|--|--|-------------------------------|
| James Adair et al. | MAY 0 5 2006 |) |
| Serial No. 09/954,443 | BOARD OF PATENT APPEALS AND INTERFERENCES |) Examiner: Thanh K. Truong) |
| Filing Date: September 17, 2001 | |) Art Unit: 3721 |
| For: Heat Seal Die And System And Method For Portion Control Sized Packaging | |)) |

RESPONSE TO FACSIMILE DATED MAY 4, 2006

Mail Stop Appeal Brief - Patents Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Responsive to the facsimile dated May 4, 2006 from Vasco Harper, Paralegal, BPAI, please add the attached supplemental sheet to the Appellants' Appeal Brief mailed November 10, 2006.

The facsimile requested a supplemental sheet with the Appendix heading "Related Proceedings" above the word "None". Appellants respectfully submit that the submitted supplemental sheet and the Appellants' Appeal Brief are in full compliance with 37 C.F.R. § 41.37(c)(1) and that this response is a full and complete response to the facsimile.

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office (Fax No. 571-273-0300) on the date shown below.

Peter G. Pannas

Date: May 5, 2006